



Children & Young People's Services

Home to School / College Transport Policy

Effective from 1 September 2016

Introduction

1. This publication is designed to provide information and guidance on our (the Local Authority (LA)), home to school/college transport policy for children and young people of different ages. Its purpose is to provide a clear indication of whether a child or young person will qualify for free home to school/college travel. However, it is important to note that all applications for free transport will be assessed by us and an assumption about the award of free transport should not be made until notification has been received in writing.
2. Our policy could be subject to change if new legislation is introduced. From time to-time it could also be amended by us. Therefore please have regard for our web page www.durham.gov.uk/schooltransport
3. We work in partnership with those for whom we provide services. If you wish to comment on the policy please write to the Corporate Director, Children and Young People's Services, School Places and Admissions Team (Transport Entitlement) County Hall, Durham, DH1 5UJ or email schooltransportteam@durham.gov.uk.

General Principles Applying to Free Travel

4. This policy applies to our duty to provide "home to school" travel arrangements at the start of the day, and "school to home" travel arrangements at the end of the day. A child/young person's "home" is the place where he/she is habitually and normally resident. Where children/young people reside at more than one address with a parent/guardian, the home address will be deemed as that where the child/young person is mainly resident during the school year, i.e. Mondays to Fridays, Term Time only. We will issue only one bus pass from one address during an academic year.
5. To qualify for free travel children/young people of compulsory school age are required to attend the nearer suitable school (in the case of a school/academy that operates on 2 sites this will be the nearest site of the school/academy). Free travel will only be made available in exceptional circumstances to other than the nearest suitable school. You are advised to take this into consideration when applying for a school place. "Suitable school" throughout this policy is defined on page 10. If you feel that there are exceptional and individual reasons why free travel should be provided to other than the nearest suitable school you should email schooltransportteam@durham.gov.uk or write to School Places and Admissions Team (Transport Entitlement), Children and Young People's Services, County Hall, Durham, DH1 5UJ and explain what these circumstances are and provide as much written evidence to support your request as possible.

6. We will provide free travel for children/young people of compulsory school age, who live beyond a reasonable walking distance from the nearest suitable school, provided that they attend that school. For those aged **under** 8 years the maximum walking distance has been determined by legislation to be 2 miles and for those aged 8 to 16 years as 3 miles. We do not have a similar duty to provide free travel for children attending nursery units/schools or for post compulsory school age young people (Post-16 students).
7. In assessing home to school distance the LA uses a Geographic Information System (GIS) to identify and measure the shortest route utilising only the Ordnance Survey Integrated Transport Network (ITN) and Urban Paths Network (UPN) which are national recognised datasets. **The LA will not include any other routes or any other method of measurement.** Routes are measured from the centre point* of the child's house, or in the case of a flat from the centre point* of the building, to the nearest school site entrance. In all cases the GIS identifies the route to be measured by connecting in a straight line the centre point* of the child's house to the closest point on the nearest route on the ITN/UPN. *In accordance with the co-ordinates of the Basic Land and Property Unit on the National Land and Property Gazetteer.
8. If you wish your child to attend Greenfield Community College, Newton Aycliffe and Shildon Sites, Sherburn Village Primary School, Sherburn Village site and Sherburn Hill site, and Bluebell Meadow Primary School, Trimdon Village and Trimdon Grange sites, please contact us to discuss transport arrangements.
9. We may have a duty to provide free travel where the home to school distance is less than the maximum walking distance and the walking route has been assessed as unsuitable. The courts have held that a route is available if a child/young person, accompanied as necessary, can walk along it with reasonable safety. We have an agreed policy on the criteria to be used when assessing whether a route is suitable and will apply this policy in all circumstances. All walking routes are periodically reviewed to determine if they are suitable, if a route can be made suitable, or if an alternative suitable walking route can be identified.
10. We are required to provide safe home to school travel. Occasionally some children/young people exhibit poor behaviour on school buses and public service operations. This behaviour may put that child/young person, other road users or the driver/passenger assistant and other children/young people travelling on the same vehicle at risk. Where this happens we endeavour to take all reasonable measures to overcome this problem. Occasionally, however, it may be necessary to restrict or remove home to school transport arrangements for children/young people where this difficulty cannot easily be resolved and the behaviour of that child/young person puts themselves and/or others at risk of harm.
11. Where children/young people cause wilful damage to vehicles, we reserve the right to restrict or remove home to school travel provision and, where appropriate, hold parents responsible for any damage their child/young person causes to vehicles and other property.
12. We provide free travel on the basis of information made available by parents and young people. We reserve the right to request reasonable written evidence to verify information supplied before an award of free travel is made. When you complete this form you will be required to sign a declaration agreeing that:

- you have read and agree to abide by the conditions as set out in this document and the transport behaviour policy, guidelines and leaflet,
- that the student agrees to this application being made,
- you consent to us checking the details provided on this application against other council records to confirm that the student and you are resident at the address supplied,
- you agree to us sharing information with other agencies where it is necessary to do so and where the law allows in accordance with the Data Protection Act 1998 (see Privacy Notice at www.durham.gov.uk),
- you give permission for us to check the information provided on the application form and in any supporting documents with your school, college or medical practitioner,
- you will inform us immediately in writing or via email, of any change of address and that you understand if you have provided any information that is incorrect or incomplete, we will withdraw your travel assistance immediately, all costs may need to be repaid,
- you may be investigated and we may take action against you (including court action).

13. Should any information made available to us be deemed to be fake or inaccurate we reserve the right to remove the provision of free travel and to seek reasonable compensation for the cost of any travel that has been provided.

14. In determining whether a child/young person should receive free or supported school travel, and how this is provided, we will consider the issues of cost and value for money for us in coming to any decision. Such consideration cannot, of course, remove any legal duty on us.

15. Parents have a right to express a preference for the school they wish their child/young person to attend and the relevant admission authority is required to offer a place in accordance with that preference if a place is available. Local authorities are not required to provide free travel if the parent makes a choice to send their child/young person to a school that is not the nearest suitable school.

Free Travel for Children/Young People Attending Primary Schools

16. In law free travel is generally made available to enable children/young people to attend the nearest suitable primary school where the home to school distance is over 2 miles for those up to the age of 8 years; and where the distance is over 3 miles for those of 8 years and over. We have agreed that the 3 mile limit will not apply on the child/young person's 8th birthday but will be from the start of the academic year after the child/young person reaches the age of 8 years (i.e. usually from the commencement of Year 4).

17. For children/young people aged 8 but under age 11, who are eligible for free school meals, or whose parents receive their maximum level of Working Tax Credit (you will need to send us the full WTC award notice (pages 1-6) for the year for which you are applying for transport) or any level of Universal Credit (you will need to provide your most recent full Universal Credit statement), free transport will be provided to their nearest suitable school, if that school is more than 2 miles from the child/young person's home.

Free Travel for Children/Young People Attending Secondary Schools Aged 11 to 16 Years

18. Free travel is generally made available to enable children/young people to attend the nearest suitable school where the home to school distance is over 3 miles.

19. For children/young people transferring to secondary school who are eligible for free school meals, or whose parents receive their maximum level of Working Tax Credit (you will need to send us the full WTC award notice (pages 1-6) for the year for which you are applying for transport) or any level of Universal Credit (you will need to provide your most recent full Universal Credit statement) free transport will be provided to:

- One of their 3 nearest suitable qualifying secondary schools, if that school is more than 2 but less than 6 miles from the child's home; or
- The nearest suitable secondary school preferred because of your *religion or belief for children whose parent(s) adhere to that particular faith, where that school is more than 2 but less than 15 miles from the child's home. *For this purpose, parental adherence to the Roman Catholic faith has been defined as where at least 1 parent and the child/young person are baptised Roman Catholic; and to the Anglican faith where at least 1 parent is a confirmed Anglican and the child/young person is a baptised Anglican.

20. The 6 mile upper limit to a choice of schools and the 15 mile upper limit to a school preferred on the grounds of religion or belief are not walking routes therefore these routes will be measured along road routes.

21. In addition, in exceptional and individual circumstances only, free travel may be made available to allow, typically, Year 10 and 11 young people to remain at the same school to complete their GCSE studies following a house move by their parents, where the young person was attending the nearest suitable school prior to the move. If you feel that there are exceptional and individual reasons why free travel should be provided you should email schooltransportteam@durham.gov.uk or write to School Places and Admissions Team (Transport Entitlement), Children and Young People's Services, County Hall, Durham, DH1 5UJ and explain what these circumstances are and provide as much written evidence to support your request as is possible.

Free Travel for Children and Young People with Special Educational Needs.

22. Free travel is generally made available to enable children and young people with a Statement of Special Educational Needs or an Education, Health and Care Plan to attend the nearest suitable primary or secondary school and where the home to school distance is over 2 miles for those aged under 8 (but Durham LA will provide this up until the start of the academic year after their 8th birthday), or more than 3 miles for those aged 8 to 16 years.

23. A number of mainstream schools have specialist provision for children/young people with particular types of special educational needs. Children/young people do not require a Statement of Special Educational Needs or an Education, Health and Care Plan to be considered for a place in an enhanced mainstream provision school. For children/young people offered a place in an enhanced mainstream provision, free travel is generally made available to the nearest suitable primary or secondary

school with that type of provision and where the home to school distance is over 2 miles for those aged under 8 (but we will provide this up until the start of the academic year after their 8th birthday), or more than 3 miles for those aged 8 to 16 years.

24. Where a decision is taken that a child/young person should attend a Special School, free travel will be made available to the nearest suitable Special School, identified by us, and where the home to school distance is over 2 miles for those aged under 8 (but we will provide this up until the start of the academic year after their 8th birthday), or more than 3 miles for those aged 8 to 16 years.

25. For those children/young people with a Statement of Special Educational Needs or an Education Health and Care Plan, free transport may also be made available in individual circumstances, in line with the duty upon us to provide such transport, to other than the nearest suitable school as long as this is not incompatible with the efficient use of our resources.

Personal Budgets

26. The parent/carer of a child/young person with an Education, Health and Care Plan, or the young person if he or she is between the ages of 16 and 25 years, has the right to request a personal budget for some or all of the provision. Transport would only be recorded in a Statement of Special Educational Needs or an Education, Health and Care Plan in exceptional circumstances. Transport costs could be considered as part of a personal budget if a child/young person is entitled to free home to school transport or Post-16 travel assistance. In making a decision, we would have to be satisfied that:

- Any different arrangements would meet the needs of the child/young person; and
- **No additional costs** would be incurred by Durham LA.

It is important to note that if you do wish to have a personal budget, you would need to set up a Direct Payments account. (A member of the Direct Payments team would arrange to meet with you to discuss how this will work). You will need to complete and sign a Direct Payment agreement form. This is a generic agreement that covers a range of requirements for parents / carers who have a Direct Payment from the Council for Home to School transport. You will see from it that you would be fully responsible for the safety of your child's travel and would need to be satisfied that any provider you use has appropriate insurance cover to transport your child(ren) to school safely the driver and passenger assistant must also have full police clearance. Once you have procured your own contract, employed a driver (and passenger assistant where required) we would arrange to have the money paid to you via our Direct Payment system.

27. Children/young people may be provided with transport to a qualifying school which is within the statutory walking distance. All relevant circumstances in relation to the child and family will be taken into consideration as to whether the applicant child/young person is an "eligible child/young person" under the relevant legislation.

Travel Assistance to Attend Post Compulsory Education for Those Aged Over 16 Years.

28. Help is available from a range of sources including ourselves, schools and colleges. Students and parents should contact the various organisations that are relevant to their course of study. It should be noted that contributions towards travel costs may now come from more than one organisation, therefore, families will be expected to inform us of any support they are likely to receive from all sources, including contributions from families themselves. We will then be able to assess the level of travel assistance that could be offered from us.

29. Post-16 students may be able to obtain assistance with travel if they are unable to travel independently because:

- they are unable to access a viable public transport system, or
- they have Special Educational Needs, a disability or mobility difficulty.

30. If you are unable to travel independently, to qualify for any Post-16 travel assistance you must meet all of the following criteria. You

- Must live in County Durham, **and**
- Must be under 19 years of age at the start of the programme of learning, **and**
- undertaking a programme of learning, study or work placement that is full-time (i.e. at least 540 plus guided learning (planned and funded) hours per year), **and**
- Must live more than 3 miles from the school/college (education provider), as measured by Durham LA, (the 3 mile limit is not applicable to students unable to walk the distance to school/college because of Special Educational Needs, a disability or mobility difficulty); **and**
- are expected to attend the **nearest** establishment that provides the full time programme of learning or work placement that you wish to follow, whilst having had reasonable opportunities to choose between different establishments at which education and training is provided. Assistance with travel may be provided in exceptional circumstances to an establishment that is not the nearest, but is within a reasonable distance of the nearest establishment.

31. Those students with Special Educational Needs, a disability or mobility difficulty may be eligible for help with travel costs for Post-16 education. The level and type of travel assistance will vary depending upon individual circumstances. A student/student's family may already be in receipt of some/all of the following which would help to determine the level of funding required from the LA:

- Free School Meals
- Maximum level of Working Tax Credit
- Any level of Universal Credit
- Any level of Council Tax Reduction

- Any Government funding for travel assistance
- Financial or any other support for travel from the school / college to be attended

32. If a student/parent/carer was eligible for free school meals during the final year of compulsory schooling (and there has been no change in family income) **or** the parent / carer is in receipt of either

- (i) the maximum level of Working Tax Credit, or
- (ii) any level of Universal Credit or
- (iii) any level of Council Tax Reduction (previously known as council tax benefit),

we will pay travel assistance in full.

33. Students in receipt of an allowance for attending college (e.g. attending higher education courses or attending independent fee-paying establishments (including scholarship schemes) are **not** entitled to travel assistance.

34. We are working with schools and colleges to seek to promote a programme of Independent Travel Training, so that some students with Special Educational Needs or a disability will ultimately be able to travel on their own. For some students Independent Travel Training would not be appropriate due to their complex needs, but where students have the potential to benefit from Independent Travel Training it is expected that those students will participate in the programme.

35. In order to qualify for Post-16 travel assistance, all students commencing Post-16 provision from September 2016 are expected to attend their nearest school or college that provides the full time programme of learning that they wish to follow, whilst having had reasonable opportunities to choose between different establishments at which education and training is provided. Requests are considered on a case by case basis having regard to preferences based on particular needs, religion or beliefs.

36. Young people commencing Post-16 provision who have an Education Health and Care Plan (EHCP) will have the name of the Post-16 institution that they will be attending named in that Plan. Should a young person with an EHCP choose to attend a Post-16 institution other than that which is named in their EHCP, then this may impact on the level of travel assistance that can be provided.

37. Those students who cannot access a viable public transport system to travel to and/or from college may be eligible for help with travel costs for Post-16 education. The level and type of travel assistance will vary depending upon individual circumstances. A student/student's family may already be in receipt of some/all of the following which would help to determine the level of funding required from the LA:

- Free School Meals
- Maximum level of Working Tax Credit
- Any level of Universal Credit
- Any level of Council Tax Reduction
- Any Government funding for travel assistance

- Financial or any other support for travel from the school / college to be attended

38. Those students who cannot access a viable public transport system to travel to and/or from college will always be responsible for the costs of onward transport which could be by:

- (A) a bus service (e.g. a public bus service or a college bus service) or
- (B) a concessionary seat on a school bus operating into the school (see paragraph 44(a)).

Free Travel when children/young people live under the maximum walking distance from school.

39. In addition to paragraph 27, above, free travel may be made available for children/young people if the walking route from home to the nearest suitable school is assessed by us to be unsuitable. If a walking route is assessed as unsuitable it is not considered to be available for use by children/young people. Such walking routes are, therefore, not taken into account in assessing the home to school travel distance. You should note that the Courts have held that a route is available if a child/young person, accompanied as necessary, can walk it with reasonable safety to school. We have an agreed policy on the criteria to be used when assessing whether a route is suitable and will apply this policy in all circumstances. All walking routes are periodically reviewed to determine if they are suitable, if a route can be made suitable, or if an alternative suitable walking route can be identified.

Types of Free Travel.

40. Free travel may be made available through a seat on a school contract vehicle (bus or taxi) or by the provision of a bus pass for use on a public service bus, at our discretion. Passenger Assistants on vehicles are only provided for those children/young people who have a Statement of Special Educational Needs or an Education, Health and Care Plan and only where these identify the need for passenger assistant provision.

41. Other arrangements, including the payment of daily fares, may be made at our discretion.

42. The type of free travel provided may, at our discretion, change during the period of schooling of any child. Travel arrangements are reviewed periodically during the academic year to ensure best value and appropriate arrangements for entitled travellers. Where it is necessary to change travel arrangements during an academic year, a minimum of 2 weeks' notice will be given prior to the implementation of new arrangements. **Other Support Available**

43. Where free travel is not normally made available by us, assistance with home to school/college travel may be available in the following circumstances:

- a) Concessionary Travel - where places surplus to our requirements are available on school transport they may be made available for use by any child/young person/student. This type of support with travel is referred to as "concessionary" travel within County Durham. The council and some individual schools operate various concessionary travel schemes. Full details of the concessionary travel scheme, including bus routes available, how to apply, how seats are allocated and how to pay are available from our website www.durham.gov.uk/concessionaryseats or can be requested on 03000 264444, option 3.
- b) Young People attending Specialist Residential Colleges - transport will be provided at the beginning and end of each term in the academic year, i.e. a total of 12 single journeys will be funded.
- c) Other Situations - we will not normally provide assistance with travelling expenses in other situations. However, for those who are not entitled to free transport or assistance under this policy, further public transport options may be available to help a child/young person attend school or college.

For further information please contact Integrated Passenger Transport Team, email IPTContractsTeam@durham.gov.uk telephone 03000 264444 option 4.

Review Process

44. We have a 2 stage review process for parents/carers who wish to challenge a decision about:

- the transport arrangements offered;
- their child/young person's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the suitability of the route Stage 1.

45. Parents/carers have 20 working days to request a review of our decision about home to school transport. Parents should write to the School Places and Appeals Officer, School Places and Admissions Team (Transport Entitlement), Children and Young People's Services, County Hall, Durham, DH1 5UJ or email schooltransportteam@durham.gov.uk, detailing why the decision should be reviewed, giving details of any personal/family circumstances and including any supporting evidence to be considered. Within 20 working days of receipt of this letter parents will be advised in writing of the School Places and Appeals Officer's decision.

Stage 2 – Review by an Independent Appeal Panel

46. Parents/carers have 20 working days from the receipt of our Stage 1 written decision notification to make a written request to escalate the matter to Stage 2. Within 40 working days of receipt of the parents/carers' request an independent appeal panel will consider written and verbal representations from both the parent/carer and officers involved in the case and will give a detailed written notification of the outcome within 5 working days.

47. Parents/carers can complain to the Local Government Ombudsman only if they consider that:

- there was a failure to comply with the procedural rules or
- if there are any other irregularities in the way the appeal has been handled.

48. If a parent/carer considers the decision of the Independent Panel to be flawed on public law grounds, the parent may also apply for judicial review.

The Definition of Suitable School

49. A suitable school is the maintained school/academy/college which, in our view, offers an efficient full-time education suited to the age, ability, aptitude and any special educational needs of the child/young person and at which there is a place available for the child/young person. Individual subject choices will not be considered in determining the nearest suitable school/academy/college. For children/young people whose nearest suitable school/academy/college is in a neighbouring authority, we will, if the parent would prefer a school/academy/college place in County Durham for their child/young person, also provide free transport to the

nearest suitable school within County Durham, providing that other eligibility criteria (e.g. distance) are met.

50. If the nearest suitable school/academy/college is a Voluntary Aided maintained school/academy/college, transport will be provided over the distance limit (see paragraph 6) to this and to the nearest suitable non Voluntary Aided maintained school/academy/college.